

REMARKS

Claims 1-14 are currently pending and under consideration. Reconsideration is respectfully requested.

Using independent claim 1 as an example, this claim recites a contact time between the second contact protrusion and the second contact terminal is shorter than the contact time between the first contact protrusion and the first contact terminal and not shorter than the contact time between the third contact protrusion and the third contact terminal. It is respectfully submitted that the cited references do not teach these features.

It was previously noted to the Examiner that all of the pairings taught in Kim involve only two terminals. There is no teaching to combine any of these pairings, for example, to combine positive/negative with power/control. Thus, there is no teaching as to which terminal would have the longest contact time, the shortest contact time, and particularly, the intermediate contact time.

In response, the Examiner states that it would have been obvious to implement the primary/pilot mating system for both power/control and positive/negative terminals in the same connector "to increase the level of protection against high voltage arcing." Office Action, page 2. However, there is no teaching in the references that this result would have been achieved.

In a telephonic discussion conducted on July 8, 2008, the Examiner referred to column 3, lines 50-57 of Kim to provide support. However, this portion relates to the separation of first-to-unmate terminals from last-to-unmate terminals. Again, this is a two terminal discussion, and therefore does not provide support for the claimed arrangement of first, second and third terminals.

Accordingly, the Applicants respectfully traverse the Examiner's statement because supporting evidence related to the first, second and third contact protrusions/terminals has not been provided, and request that the Examiner produce authority for the statement.

The Applicants specifically point out the following errors in the Examiner's action.

First, the Examiner uses common knowledge ("well-known") evidence for the rejection. As explained in the M.P.E.P.,

any facts so noticed should... server only to "fill in the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground for rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection is based.

M.P.E.P. § 2144.03

Second, the noticed fact is not considered to be common knowledge or well-known in the art. In this case, the limitation is not of notorious character or capable of instant and unquestionable demonstration as being well-known. Instead, this limitation is unique to the present invention (see, M.P.E.P. § 2144.03(A) (the notice of facts beyond the record which may be taken by the Examiner must be "capable of such instant and unquestionable demonstration as to defy dispute").

Third, there is no evidence supporting the Examiner's assertion (see, M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Fourth, the Examiner appears to be basing the rejections, at least in part, on personal knowledge. The Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such assertion with an affidavit when called for by the Applicant. The Examiner is called upon to support such assertion.

Further, even if the Examiner's assertion and rejection based on common knowledge is valid, the claimed invention is distinguishable as discussed below.

Withdrawal of the rejection is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 7-8-03

By: M. Badagliacca
Michael J. Badagliacca
Registration No. 39,099

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501